

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>AMOS TATE</b>	:	
<b>Plaintiff</b>	:	<b>C.A. NO. 05-175 ERIE</b>
	:	
<b>V</b>	:	
	:	
<b>MAYOR of the CITY OF</b>	:	
<b>ERIE, PA</b>	:	
	:	
<b>CITY OF ERIE POLICE</b>	:	
<b>DEPARTMENT</b>	:	

**ANSWER TO AMENDED COMPLAINT**

AND NOW, this 7<sup>th</sup> day of October, 2005, come defendants, by and through the Office of City Solicitor, and states the following in answer to the Amended Complaint filed September 26, 2005.

1. Plaintiff lists 16 or more incidents which he describes with various amounts of detail and which he implies are improper contacts by City police officers. It is denied that any of these alleged transactions, if they took place at all, were improper under the Constitution and laws of the United States. Any time Plaintiff has been stopped, questioned, detained, arrested or charged there has been probable cause or reasonable basis for such actions by Police officers.

**DEFENSES**

1. Plaintiff makes no cognizable allegations against the City of Erie or the Mayor which would sustain an action in federal court.
2. The Amended Complaint fails to state a claim for which relief may be granted against any defendant or potential defendant.

3. To the extent Plaintiff complains about incidents which led to his conviction of any offense, he makes an improper collateral civil attack on such convictions.
4. The individual police officers referenced in the Amended Complaint are entitled to qualified immunity, as they acted according to established federal law.
5. The individual officers acted in good faith at all times.

WHEREFORE, defendant demands that the Amended Complaint be dismissed with prejudice.

Respectfully Submitted

OFFICE OF ERIE CITY SOLICITOR

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